



# State Administration and Veterans' Affairs Interim Committee

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## 57th Montana Legislature

**SENATE MEMBERS**  
DON HARGROVE - CHAIRMAN  
JOHN BOHLINGER  
GLENN A. ROUSH  
KEN TOOLE

**HOUSE MEMBERS**  
LARRY JENT - VICE - CHAIRMAN  
EDITH J. CLARK  
RALPH L. LENHART  
ALLAN WALTERS

**COMMITTEE STAFF**  
SHERI HEFFELFINGER  
RESEARCH ANALYST  
DAVID NISS, STAFF ATTORNEY  
LOIS O'CONNOR, SECRETARY

November 15-16, 2001

## MINUTES

Room 102, Capitol  
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

### COMMITTEE MEMBERS PRESENT

Sen. Glenn Roush, Chairman  
Sen. Don Hargrove  
Rep. Edith Clark  
Rep. Ralph Lenhart

### STAFF PRESENT

Sheri Heffelfinger, Research Analyst  
David Niss, Legislative Attorney  
Miko Owa, Legislative Secretary

### VISITORS LIST & AGENDA

Agenda (ATTACHMENT #1)  
Visitors' List (ATTACHMENT #2)

### COMMITTEE ACTION

- Adopted minutes of September 26-27, 2001 meeting

### CALL TO ORDER AND ROLL CALL

Sen. Roush called the meeting to order at 1:33. Roll call was taken and all Subcommittee members were present (ATTACHMENT #3).

### ADOPTION OF MINUTES

Rep. Lenhart moved that the minutes of the September 26-27, 2001 meeting be adopted. Rep.

Clark seconded the motion. The motion passed unanimously.

## **VETERANS' CEMETERY**

**C.E. Crookshanks, Chairman, Western Montana State Veterans' Cemetery**, provided an update on site selection. The Western Montana State Veterans' Cemetery Committee has been looking at Fort Missoula because the Army Post Cemetery is located there. The original plan was to get 30 contiguous acres surrounding the Army Post Cemetery. Because there are over 34,600 identifiable veterans in the western part of the state, Mr. Crookshanks said he feels they will need more than 30 acres. In addition, he stated that they will need additional funding.

Sen. Roush asked if he had any suggestions regarding funding. Mr. Crookshanks stated that he did not have suggestions at this time.

Mr. Crookshanks then reviewed for the Subcommittee the process of creating a cemetery from selecting the land to opening.

**General M.Y. Foster**, stated that because of the predominance of veterans in western Montana, it is an absolute necessity to establish a state cemetery for veterans. In addition, he recommended creating a family license plate for people who have lost loved ones in the war as a way to raise money for the cemetery.

Sen. Roush stated that that idea had never been presented before. In addition, he stated that there has been some money donated from estates of family veterans back to the state for the cemetery. Gen. Foster concurred, but stated that the problem is the continuous source of funding. Sen. Roush stated that he understood, but needed some additional funding ideas as well.

Sen. Hargrove added that legislative staff could look into how other states are finding funding, and that Gen. Foster may review that idea as well.

**Rep. Butch Waddill**, stated that he finds it ironic that the veterans are paying for their own burial and that the Subcommittee may want to look at assessing a fee on all license plates to help pay for the cemetery. In addition, he stated that they are receiving a bit of complacency on the part of the city of Missoula and the county commissioners and that is why they are having difficulty establishing a cemetery at Fort Missoula. The cemetery conflicts with the city and county plans to establish a recreational area on the site which once belonged to the U.S. military. Sen. Hargrove asked if Rep. Waddill is continuing to search for land. Rep. Waddill responded yes.

Rep. Lenhart asked if thirty acres would be enough. Rep. Waddill responded that they would need more. Rep. Lenhart then asked if they have looked further out in the country. Rep. Waddill responded that they have, and that they are also looking for donations of land with 40-50 acres being the optimum amount.

Sen. Roush asked Rep. Waddill to keep the Subcommittee informed. Sen. Roush asked if there has been any effort to take the issue to the general public. Rep. Waddill responded that he has not done that yet. He added that there is a public affairs officer on the committee and that may be the next step.

## **RESEARCH BRIEF & STAFF ANALYSIS**

**Sheri Heffelfinger, Research Analyst, Legislative Services Division**, provided the Subcommittee with a resource notebook outlining veteran issues (EXHIBIT #1, SAIC Main File, SJR 5 Resource Notebook, Separate File, Legislative Services Division) to be used by Subcommittee members. In addition, Ms. Heffelfinger presented a Power Point presentation entitled *Anatomy of Veteran Services* (EXHIBIT #2). The presentation provided an overview of the federal system, the state system and Ms. Heffelfinger's conclusion and analysis. During the presentation, Ms. Heffelfinger referenced a VISN 19 map in the resource notebook (EXHIBIT #3, SAIC Main File, SJR 5 Resource Notebook, Tab - VISN 19, Separate File, Legislative Services Division).

Sen. Hargrove asked Ms. Heffelfinger to clarify what VISN 19's "7" rating represented. Ms. Heffelfinger responded that it is the urban to rural scale. Sen. Hargrove asked if it denoted any additional difficulty. Ms. Heffelfinger responded that there had been a study of whether it cost more for the VA to deliver health care in some states, but the findings were not conclusive.

Sen. Roush asked if there was anyone in attendance from the Veterans' Administration at Fort Harrison. **John Peterson, Veterans' Service Manager, Veterans' Administration**, came forward. He clarified that the VA's network authorization office for non-VA health care services is not part of the VA's Benefit's Administration but part of the VA's Health Administration.

Ms. Heffelfinger stated that in her presentation, she neglected to include the two Vet Centers, one in Missoula and one in Billings. However, the centers are covered in the resource notebook (EXHIBIT #4, SAIC Main File, SJR 5 Resource Notebook, Tab - VA Vets Center, Separate File, Legislative Services Division).

Ms. Heffelfinger provided and reviewed a briefing packet on *Veteran Population, VA and VISN Expenditure Data, MVAD Regional Data* (EXHIBIT #5). Ms. Heffelfinger also presented a packet entitled *The Changing Veteran Population 1990-2020* (EXHIBIT #6) and a map of the Montana Veterans' Affairs Division regions (EXHIBIT #7).

Sen. Roush asked whether the surgical and medical costs shown in the presented charts included costs for Montana veterans who were referred to out of state VA services. Sen. Roush also asked who paid the costs for a Montana veteran sent for medical treatment out of state. Ms. Heffelfinger responded that she did not know, but would find out from the VA.

Rep. Lenhart asked about the veteran population statistics. Ms. Heffelfinger and Mr. Jacobsen referred the Subcommittee to exhibit #8 (Exhibit #8, SAIC Main File, SJR 5 Resource Notebook, Tab - MVAD, Separate File, Legislative Services Division) which included an updated map showing veteran population by county and a total of 107,000 veterans.

Ms. Heffelfinger then reviewed the *Staff Analysis of Statutes Governing Montana Veterans' Affairs* (EXHIBIT #9). Ms. Heffelfinger stated that the report was an academic assessment of how current statutes define powers and duties for implementing veterans' affairs policy. In addition, Ms. Heffelfinger said that this report is not a commentary on the performance of the Board of Veterans Affairs. Ms. Heffelfinger stated that she would review Appendix A of the report tomorrow.

Sen. Hargrove asked whether members of the Board happened to fit the ideal criteria as outlined by Ms. Heffelfinger (where members would represent the various veteran groups, minority veterans, Native American veterans, and a veteran at large). Ms. Heffelfinger responded that she did not know. Sen. Hargrove continued to comment that normally, there would also be public members and that may be one thing the Subcommittee ought to consider.

Sen. Hargrove asked Ms. Heffelfinger to define the current relationship of the Board and how many people the Board employs. Ms. Heffelfinger responded that the Board has 19.5 full time equivalents (FTE) at this time. In addition, Ms. Heffelfinger reviewed exhibit #8 in more detail for the Subcommittee which showed the MVAD's structure and staffing.

Sen. Hargrove then asked if the Board of Veterans' Affairs works for the Veterans' Affairs Division. Ms. Heffelfinger responded that the Veterans' Affairs Division works for the Board.

Rep. Lenhart asked about the meeting dates of the Board. Ms. Heffelfinger responded that the Board meets three or four times a year or at the call of the chairman.

Sen. Hargrove asked about the 19.5 FTE and who they work for. Ms. Heffelfinger responded that they are supervised by Jim Jacobsen who is hired by the Board.

Rep. Clark asked if the wages were paid by the Department of Military Affairs. Ms. Heffelfinger responded yes.

Sen. Hargrove asked if the budget requests that the Board submits to the Department Director is for the operation of the Board or the operation of the Department. Ms. Heffelfinger responded that it is for the operation of the Board and their 19.5 FTE. Sen. Hargrove commented that he sees a board as an agency that meets periodically to discuss what is under their purview. Sen. Hargrove continued to state that the Board of Veteran's Affairs does not seem to be organized like any other board in the state of Montana. Ms. Heffelfinger responded that that is correct and that the Board was lumped in with other regulatory boards such as a professional licensing board, which it is not.

Sen. Hargrove asked if the Board gets involved in individual veteran cases or issues and if so, how. Mr. Jacobsen responded that the Board does not get involved in specific cases. Mr. Jacobsen continued to state that they do get involved if there are certain trends or problems related to benefit claims processing.

Sen. Hargrove asked specifically what the Board does that affects Mr. Jacobsen. Mr. Jacobsen responded that the Board is his supervisor and provides him with technical guidance. Sen. Hargrove continued to ask if there was a set of rules set forth by the Board that Mr. Jacobsen is required to follow. Mr. Jacobsen responded that there is not. Sen. Hargrove continued to ask if the Board has public meetings. Mr. Jacobsen responded that they do hold public meetings and that veteran service organizations are invited to attend.

Rep. Clark asked if the MVAD applies for grants. Mr. Jacobsen responded that in reference to cemetery grants they do apply for those. Rep. Clark asked if there were other grants available that they could channel to other organizations. Mr. Jacobsen responded that there are opportunities for the homeless grant program. However, to date his guidance has been to

pursue the cemetery grant program.

Sen. Roush asked if there was any termination time of how many terms Board members can serve. Mr. Jacobsen responded that one term is five years, but Board members could be reappointed by the Governor indefinitely. Sen. Roush asked how long the current Board has been in place. Mr. Jacobsen responded that the Chairman is on his second five-year term, two other members have served two five-year terms, and another member finished a 2-3 year term and has been reappointed to a five year term. In addition, there is one newly appointed member who is starting his first term.

Sen. Roush asked what input the Board has in setting the budget for the MVAD office. Mr. Jacobsen responded that they provide guidance regarding the budget and Mr. Jacobsen makes proposals to the Board about what should be included in the budget. Mr. Jacobsen then formulates those with the Board's approval and passes the budget through the executive budget process to the Department of Military Affairs and to the legislature. Mr. Jacobsen said that 1.5 FTE of his office are supported by the cemetery fund and not the general fund. In addition, the past legislature did delegate some of the license plate money to offset a portion of his salary and a portion of his secretary's salary, however, they are going to attempt to get the money back in the next session.

Sen. Hargrove stated that what we are doing now is exactly what SJR5 wanted us to do. If things are not immediately clear in the statute then we need to clear them up. He continued to state that it may be that we leave things exactly the same, but better defined, or we may go back to the legislature with suggestions for changes. Sen. Roush concurred with Sen. Hargrove.

Sen. Roush suggested that he would like to add a public member or a non-peacetime veteran to the Board. He continued to comment on the issue of funding and asked the audience to provide any recommendations to Ms. Heffelfinger.

Sen. Hargrove stated that he felt the service organizations of Montana were not 100% satisfied with the services of the MVAD and that should be discussed.

Mr. Peterson stated that he is not aware that Congress has ever enacted a statute that has ended the Gulf War period, so that would not be an issue if a veteran from that era or the present era was on the Board.

## **FISCAL ANALYSIS**

**Todd Younkin, Fiscal Analyst, Legislative Fiscal Division**, provided a presentation on questions asked by Ms. Heffelfinger for the Subcommittee titled *Veterans' Services - Funding Issues in Montana and Other States* (EXHIBIT #10 and #11). In particular, Mr. Younkin reviewed funding veterans' services in Montana.

Sen. Hargrove asked if there was any proliferation of vanity plates that might take away from the veterans' license plate program. Mr. Younkin responded that he has done some preliminary looking, but he cannot tell the Subcommittee where the trend is going.

Sen. Hargrove asked if Mr. Younkin knew how many homeless veterans there are in Kentucky.

Mr. Younkin responded that he did not know. Sen. Hargrove continued to ask if the person Mr. Younkin spoke of concerning Kentucky's homeless program operated independently for only veterans or combined efforts with other homeless assistance agencies in the state. Mr. Younkin stated that the Kentucky coordinator does coordinate with any other available agency.

Sen. Roush asked about no federal funding for Washington State's King County program and asked why they did not secure any federal funding. Mr. Younkin responded that the individual he spoke to did not know.

## **GRIEVANCE PROCEDURE**

**David Niss, Legislative Attorney, Legislative Services Division**, provided a briefing on grievance procedures currently available to veterans through various channels (EXHIBIT #12). In particular, Mr. Niss discussed the following individual grievance procedures:

- U.S. Department of Veterans' Affairs 1-Stop Web Page
- The VA's Patient Advocacy Program
- The VA's Office of Inspector General and Hotline
- Complaints to Members of Congress
- Quality Management at VA medical centers
- Clinical Appeals
- U.S. Board of Veterans' Appeals and the United States Court of Appeals for Veterans Claims
- Federal Tort Claims Act and Privacy Act
- Veterans' Service Officers
- VA Montana Local Procedure for Handling Patient Complaints

Mr. Niss concluded that his presentation has outlined ten procedures that a veteran may utilize to voice his or her dissatisfaction with veteran services.

Sen. Roush asked about clinical appeals and the assistance of a patients advocate. Sen. Roush asked if the patients advocate is an attorney hired by the patient. Mr. Niss responded that the advocate is not required to be an attorney.

Sen. Roush recognized staff members from the offices of Sen. Baucus, Sen. Burns, and Rep. Rehburg.

Mr. Peterson came forward to clarify on page four of the reports where Mr. Niss provided information about the Veterans' Affairs Inspector General Hotline, that the Office of the Inspector General does not normally hear complaints unless it is an illegal act. Mr. Peterson then commented that on page nine where Mr. Niss spoke of the Board of Veterans' Appeals and the United States Court of Appeals, Mr. Niss refers to grievance procedures when the correct term would be appellate procedures or a formal appeal. Mr. Peterson continued to comment that there is now a traveling Board of Appeals and hearings can be held by video conference, which greatly increases access to the Board. In addition, Mr. Peterson commented on Attachment E, in reference to the appeals process. He stated that the process has changed with another option open to the veteran being that of a decision review officer. Mr. Peterson continued that on page ten, a veteran has the right to look at his file at any time and is entitled to one free copy of

his file. In cases that are argued in front of the Board of Appeals, veterans can utilize services of a veteran service organizations for representation.

Mr. Niss asked Mr. Peterson if the veteran service organizations have attorneys that are any of the seven attorneys named at the Courts website as being for Montana. Mr. Peterson responded no, because they would represent only local service organizations.

Mr. Peterson continued on to page nine and pointed out to the Subcommittee that Veteran Service Officers (VSO) are not employees of the VA. They are employed by service organizations including the MVAD.

Ms. Heffelfinger then asked what benefit service officers employed by the VA are called. Mr. Peterson stated that claims adjudicators are referred to as Veteran Service Representatives (VSR). Ms. Heffelfinger then asked if a veteran can file a claim directly with the VA. Mr. Peterson responded yes. He continued to state that they are under a federal mandate to be a veteran advocate. Ms. Heffelfinger asked if certification for a VSR was the same as for a VSO. Mr. Peterson responded that in order to become a VSR with the Department of Veterans' Affairs, you need extensive training. In order to become a VSO for MVAD, it essentially does not require any training other than on the job training. Mr. Peterson continued to state that people who rate the cases are Rating Service Veteran Representatives (RSVR) and they are the ones that determine the degree of disability.

Sen. Roush asked about the patient advocate at Fort Harrison and whether one patient advocate is adequate. Mr. Peterson said he could not comment because he is not directly affiliated with that office.

Ms. Heffelfinger provided an update on the activities of the SJR 5 working group and that she feels she has not received a broad based discussion from the group. However, she hopes to achieve that level of discussion tomorrow during the panel discussions.

## **RECESS**

The meeting recessed at 5:24 p.m. until Friday, November 16, 2001 at 8:00 a.m.

## **CALL TO ORDER**

Sen. Roush called the meeting to order at 8:02 a.m.

## **PANEL DISCUSSION**

Ms. Heffelfinger moderated discussion panels to address the following questions with a focus on outreach, communication, service coordination, and problem solving:

- A summary of what the agency does
- How does the agency currently conduct outreach, communicates with veterans, and coordinates services?
- If a veteran brings a problem to you or your agency or has a complaint, how does it get addressed?

- How could outreach, communication, service coordination and problem solving be improved and what should be the state's role be in facilitating these improvements?

### Benefit Claims Panel

- Keith Heavy Runner, Tribal Veteran Representative, Blackfeet Nation
- Mike Secrease, Veterans Service Officer, National Vietnam Veterans of America (VVA)
- Robert Schwegel, Veteran Service Officer, Veterans of Foreign Wars (VFW)
- Eric Olivette, VA Fort Harrison (representing John Peterson, Veterans' Service Center Manager)
- Ruddy Reilly, Veteran Service Officer, MVAD and American Legion
- John Denherder, WWII and Korean Veteran

Ms. Heffelfinger asked Mr. Reilly if he was nationally certified by the American Legion. Mr. Reilly responded that he was and that he was certified by eight other organizations as well.

Ms. Heffelfinger asked how the MVAD interacts with national VSOs. Mr. Reilly, responded that they have a close relationship and that he has made it a point to try and tighten the relationship and make it more effective.

Ms. Heffelfinger asked about the VFW and what outreach programs they have. Mr. Schwegel responded that there are 78 volunteer officers at the community level. Each July, there is a school of instruction for them and any other veteran who would like to participate. In addition they have 14 meetings per year, he travels to individual communities upon request, they publish the Montana Veterans' Newspaper, he participates in radio talk shows, and he is in the process of developing a mass e-mailing list to forward information on to veterans. In addition, he has written a grant and obtained a lap top computer that will give him remote access back to the VA system so that he may process claims while he is on the road. The national headquarters also has a toll free help line.

Ms. Heffelfinger asked how many nationally accredited VSOs for the VFW there are in Montan. Mr. Schwegel responded one, himself. Ms. Heffelfinger then asked who funds his position. Mr. Schwegel responded that the position is funded by the national VFW organization.

Ms. Heffelfinger asked Mr. Schwegel how he was trained and who paid for the training. Mr. Schwegel responded that all of his training is paid for by the national headquarters and consisted of over 5 weeks of training across the country. In addition, he completed TRIP training which provides greater access into the VA computer system. Ms. Heffelfinger asked if there was certification at the end of his training. Mr. Schwegel responded that the certification comes from the VA General Council in Washington D.C.

Ms. Heffelfinger asked Mr. Secrease how he came to be the VVA VSO. Mr. Secrease responded that he applied for training with the national VVA and funding came from a combination of the state VVA council and local Chapter 626 funds. Once he completed the training, at the VA's vocational rehabilitation office a program where he would receive a stipend from them and on the job training with the MVAD. At this time he was still classified under

vocational rehabilitation as on the job and MVAD is still allowing him to use space in one of their offices.

Ms. Heffelfinger asked Mr. Reilly what kind of training the MVAD has in order for MVAD VSOs to maintain their certification. Mr. Reilly responded that they have one training session a year for one week. In addition, they have had guest instructors. They also give their own in house training. Ms. Heffelfinger asked how the certification works for MVAD VSOs to be certified to represent veteran service organizations. Mr. Reilly stated that he represents their members via a power of attorney. Mr. Reilly continued to state that he tries to get a veteran to use the power of attorney from a veteran service organization so that when a claim gets to Washington D.C. they will have representation there. (MVAD does not have natural representation.

Ms. Heffelfinger asked about the difference between certification from many groups and a person with certification solely from the MVAD. Mr. Reilly responded that the difference is in terms of access to information. Ms. Heffelfinger continued to ask about the powers of attorney listed on the website for organizations versus the power of attorney held for an individual. Mr. Reilly stated that they are accredited to represent all of that organization's members. Ms. Heffelfinger asked who pays for the other accreditations. Mr. Reilly responded that as a person progresses through the MVAD they earn their accreditation. He continued to state that the accreditation is a recommendation by Mr. Jacobsen to the General Council in Washington D.C. Ms. Heffelfinger asked if there was a certification process. Mr. Reilly responded that they do the certification process.

Ms. Heffelfinger asked Mr. Jacobsen about the certification process. Mr. Jacobsen responded that there is a great deal of on the job training as well as a correspondence course that each employee goes through. Once an individual is trained, Mr. Jacobsen then submits a form stating that the individual is ready for accreditation. There is no charge for this service. Beyond that, the VVA and VFW have sent MVAD officers to national training.

Ms. Heffelfinger asked Mr. Heavy Runner what the Tribal Veteran Representative (TVR) concept was. Mr. Heavy Runner responded that they are still in a training process. Ms. Heffelfinger stated that Mr. Heavy Runner was essentially the bridge between the Native American population and the service organizations who actually process the claims. Mr. Heavy Runner concurred.

Ms. Heffelfinger asked Mr. Olivette how he interacts with all of the various organizations. Mr. Olivette responded that the VA VSR goes through a 6-month formal training program just to process compensation claims and pensions. After their formal training, they begin to mentor with an experienced VSR and actually begin to process claims. Often times they work with the VSOs to gather information that will help make determinations on a claims process.

Ms. Heffelfinger then reviewed all the ways in which a veteran can begin to process a claim by utilizing (1) veteran service organizations, (2) MVAD VSOs, (3) going directly to the VA, or (4) hiring a private attorney.

Ms. Heffelfinger asked Mr. Denherder about his experiences with outreach and communication in processing his claim. Mr. Denherder recited the details of his personal case and how his claim has been turned down twice and he has requested a formal hearing. He continued to state that he had not heard anything about the formal hearing for a six month period. In addition,

he believes the government is simply waiting for the veterans to pass away so as not to have to process their claims. Mr. Denherder would like to see additional funds which could help decrease the workload and process claims in a more timely fashion.

Sen. Roush asked if a veteran was receiving assistance from two organizations, would they need two powers of attorney. Mr. Schwegel responded that that would be necessary only if they are changing the organization that is representing them. He continued to state that if a veteran does want to switch he will ask them why, but they are more than able to move to another organization. Sen. Roush continued to ask if this is a frequent process. Mr. Schwegel responded that there are a number who try to work the system. If they are not satisfied with one VSO, they may go through several other organizations.

Sen. Roush asked if there is anything that would be helpful to the Subcommittee at the state level to enhance the claim benefit process. Mr. Denherder responded that in the recent issue of the Disabled American Veterans' (DAV) Magazine, the DAV recommended that the VA hire additional staff to help facilitate the claims process. He added that the report noted that every time new technology is introduced, productivity drops. Mr. Olivette commented about the enormous backlog nationwide and some of the causes of that are federal statutory requirements. In addition, the number of veterans may be decreasing, but the number of claims are increasing.

Rep. Lenhart asked the panel to walk him through the claims process. Mr. Olivette responded that there isn't just one hang-up to the process. He continued to detail the process as being: a veteran decides to fill out an application, someone helps him do this, it is put under control of the VSR who is responsible for managing the claim and maintaining contact with the veteran. The claim would then go for a rating decision. Ms. Heffelfinger added that it starts at the individual veteran level, so the veteran has to have the knowledge that they are eligible to access benefits and that they need to ensure their military service records are filed with the county. To the extent that their records are not available, then that hangs up the process. The development of the case is really dependent on the training and experience of the VSO, who can hang-up the process due to errors. She continued that there are problems at the VA level, but the focus of the Subcommittee should be on the relationship of the VSO to the counties where the records should be filed.

Sen. Roush commented to the panel that if they do run out of time, please contact Ms. Heffelfinger with any additional information.

#### Employment and Training Panel

- Fred Jense, Chief of Vocational Rehabilitation and Employment, Veterans' Administration
- Polly LaTray, U.S. Department of Labor
- Byron Erickson, Local Veteran Employment Representative, Bozeman
- Grant Ellison, Disabled Veterans Outreach Representative, Butte
- Russell McKinney, Veteran, Americorp Representative, Great Falls

The panel began with introductions and a summary of job descriptions along with the source of funding for each position. In particular, Ms. Heffelfinger asked Ms. LaTray where the funding

comes from for the positions. Ms. LaTray responded that there is a grant which the state applies for every year. Ms. Heffelfinger asked if Montana was at risk of losing the grant. Ms. LaTray responded that there are dollars available to every state and that Montana is in an excellent position for obtaining those dollars because the state covers a large geographic area and has a number of minorities.

Ms. Heffelfinger asked Mr. Jense if there was a person in his position at every VA facility. Mr. Jense responded that they are a regional office with over 56 employees nationwide. He continued to state that the difference in services is that his is a federal program and he has put professional staff people out in the field for case management.

Ms. Heffelfinger asked Mr. McKinney how he learned about Mr. Jense's program. Mr. McKinney responded that there is a transition team which processes a person out of the military into civilian life. He continued to state he went to see the MVAD in Great Falls who evaluated him to see if he was eligible for Chapter 31 benefits.

Ms. Heffelfinger asked Mr. Erickson what kind of relationship he had with the MVAD officers. Mr. McKinney responded that he has very good relationships with the VSOs because they assist the veteran in applying for benefits. He continued to state that if a veteran is missing paperwork or needs help establishing a rating, then the VSO helps them do that.

Sen. Roush asked where the veteran starts to get to these programs. Mr. Erickson responded that the veteran usually approaches the Job Service Center because it is more accessible. At the job service, they do some form of assessment to see what programs the veteran would be available for. In addition, they do a lot of collaborative case management. Ms. LaTray added that Title 38 creates a priority of services to be provided in all offices even if there is not a local veterans employment representative. Mr. Ellingson added that he provides a lot of outreach to other areas and organizations across Montana.

Ms. Heffelfinger asked the panel what the Subcommittee should consider when addressing the structure and funding of the MVAD.

Ms. LaTray responded that there needs to be a committee that could openly communicate and coordinate services. A committee with each agency head having equal standing, with a facilitator from the Governor's office providing a direct line of communication to the Governor. Ms. LaTray continued to state that she would like to see some type of training component as part of that. She would also like to see the establishment of a website highlighting various service organizations and providing various contacts to each organization. There also needs to be some type of budget that would include marketing as well as a monthly calendar of events.

Sen. Roush asked Ms. LaTray if the Native American population would need equal standing on a committee like this. Ms. LaTray responded yes. Sen. Roush continued to ask if the Native American population works with the Job Service office or would they want to work with another Native American Veteran. Ms. LaTray responded that Native American Veterans do relate better to Native American Veterans.

Mr. Jense stated that he would like to see coordinated training between the various agencies so that agencies can understand what everyone's responsibilities are and not duplicate efforts.

Mr. Erickson stated that he would like to see coordinated training on a yearly basis where all service providers get together.

Mr. McKinney stated that as a veteran it was difficult with all the agencies to find the right agency to go to. The transition program was very helpful and he likes the idea of a committee, the creation of a guide to all agencies, and increased web site access to agencies.

At the conclusion of the panel, Ms. LaTray provided additional documentation to Ms. Heffelfinger (EXHIBIT #13).

#### Health Care, Mental Health Care, and Chemical Dependency Panel

- Lynnette Nilan, Registered Nurse and Quality Manager, VA Fort Harrison
- Cindy Heaton, Registered Nurse and Manager of Network Authorization, VA Fort Harrison
- Greg Burham, Team Leader/Counselor, Missoula Vet Center
- Ann Hamerla, Nurse, County Cooperative Health Center, Lewis & Clark County
- Pete Formaz, Certified Chemical Dependency Counselor, Veteran
- John Denherder, WWII and Korean Veteran
- Mike Hampson, State Vice-President, Vietnam Veterans' of America, President of Chapter 626, Helena
- Bonnie Adee, State Mental Health Ombudsman, Governor's Office
- Kelly Williams, Senior Long Term Care Division, Department of Public Health and Human Services,
- Lenny Johnson, Vietnam Veteran

Ms. Heffelfinger asked Ms. Hamerla to describe what her office does. Ms. Hamerla responded that their clinic is a doctors office that sees people based upon their needs. They treat people ranging from those who have full insurance to those who are indigent. They receive federal, state, and county funds. They were able to piggyback on a grant for the Deering Clinic in Billings and that is who they are managed by.

Ms. Heffelfinger asked how a veteran receives other coordinated services. Ms. Hamerla responded that that is assessed on the first visit. They specifically ask if the veteran is eligible for veterans benefits. If the client does not know, then they try to help the client find out. Ms. Hamerla continued to comment that many of the veterans cannot read well enough to fill out the paperwork that they are handed.

Ms. Heffelfinger asked if there were services like this in every county. Ms. Hamerla responded no. Ms. Heffelfinger asked what other counties would have. Ms. Hamerla responded that every county has county health nurses that do public health. However, they are not geared to taking in people with medical needs.

Ms. Heffelfinger asked Mr. Burham how he is funded. He stated that he was funded out of Denver with the regional VA agency. Ms. Heffelfinger asked him to speak specifically about how he works with mental health issues. Mr. Burham spoke about the anatomy of the system, with two vet centers in Montana. One of his mandates is outreach, which includes contract providers. Mr. Burham stated that there are six contractors with some of the contractors having

subcontractors. Ms. Heffelfinger asked if the VA at Fort Harrison supervised the vet centers. Mr. Burham responded no. The vet centers are independently run through the regional VA out of Denver. He continued to state that the focus of the program is on war zone veterans and sexual trauma that may have occurred in the military. He continued to state that they are an initial contact for veterans trying to obtain services.

Ms. Heffelfinger asked Mr. Formaz about chemical dependency treatment for veterans. Mr. Formaz responded that currently there is no mechanism for VA treatment because the VA had an inpatient facility and an outpatient facility, but they were closed. The VA then hired several people to provide spot case management, but there is no VA sponsored treatment. He said, the overlap between mental health and chemical dependency issues is approximately 75%. Veterans that he helps either pay for their treatment or they go through Medicaid. If a veteran needs in-patient treatment, the veteran would need to go to Sheridan, Wyoming or Boise, Idaho. The waiting period for these facilities is between 6 and 14 months.

Ms. Nilan stated that there is a substance abuse treatment service that is Joint Commission accredited. It is an outpatient treatment program, but if a patient needs acute detoxification then the patient is admitted to Fort Harrison. Ms. Heffelfinger asked how a veteran would obtain those services. Ms. Nilan stated that the veteran would only need to come to Fort Harrison for a substance abuse evaluation. Ms. Heffelfinger asked whether the VA would then have to refer the veteran to another organization for detoxification. Ms. Nilan stated that that was correct.

Ms. Heffelfinger asked Ms. Hamerla if she has ever utilized the VA's services. Ms. Hamerla stated that the VA's services were improving, but occasionally services are not provided in a timely fashion.

Ms. Heffelfinger asked if there was a doctor on call at the VA 24-hours a day. Ms. Nilan responded that there is a 24-hour physician on duty at the VA, the patient will be evaluated and treated. If the veteran requires hospitalization for acute detoxification, then he will be admitted. But that is a medical decision. Ms. Heffelfinger asked if the veteran was admitted based upon the benefits that the veteran had available to him. Ms. Nilan responded no, the veteran is admitted based upon medical need. Ms. Heffelfinger then clarified that if a veteran ended up at the emergency room at St. Peter's instead of at the VA, then that means one person determined it was a medical emergency while the other did not. Ms. Nilan responded affirmatively.

Ms. Heffelfinger asked about the billing process after the emergency and about what point network authorization for a non-VA service would enter the picture. Ms. Heaton responded that that would come into the picture right then. Network Authorization is either notified by the hospital or by the veteran. From there the VA would determine what is the legal entitlement or eligibility for the service. Ms. Heffelfinger asked who specifically gets involved in processing a claim for payment to an outside source from the VA. Ms. Heaton responded that there are many factors but that it could be the patient and the service provider, or they may never be contacted because there is another payee.

Ms. Heffelfinger asked Ms. Hamerla if someone has ever walked her through the VA system. Ms. Hamerla responded no. Ms. Heffelfinger asked if there was a VSO that could be called if she had questions. Ms. Hamerla responded that she simply developed a personal network of contacts at the VA that she calls if she has questions.

Ms. Heffelfinger asked Mr. Burham how he informs people of what the VA services are. Mr. Burham responded that since the implementation of the VA's Community Based Outpatient Clinics (CBOC) program access has increased tremendously. There are now 10 CBOCs across the state.

Ms. Heffelfinger asked Mr. Burham what his points of coordination were with network authorization and other VA departments. Mr. Burham responded that it is a small community of people. Ms. Heffelfinger asked if a veteran needed to understand VA benefits, would he have resources he could access for the veteran. Mr. Burham responded that entry points to the system are everywhere.

Ms. Heffelfinger asked Mr. Formaz about network authorization. He responded that Pat Crowley from the MVAD came to his office and explained the process. Mr. Formaz continued to state that they have been unsuccessful in receiving payment from the VA for treatment services in his facility.

Ms. Heffelfinger asked Mr. Hampson and Mr. Johnson what it is like to navigate the system. Mr. Hampson stated that his experience with network authorization is that if you cannot see a doctor for an extended period of time and chose to see another physician who is more readily available in the meantime, the veteran will have to file with the VA to see if he can receive payment. Mr. Hampson then related to the Subcommittee his experiences with the VA and the trouble he has had in working with network authorization, which still has not proved emergency heart surgeries that the VA denied were necessary.

Ms. Heffelfinger asked Ms. Nilan to comment and if the patient VA's advocate would come into play on Mr. Hampson's case. Ms. Nilan stated that the patients advocate would come into play here, but she could not comment on the current situation because she was still involved.

Ms. Heffelfinger asked Mr. Hampson if he went to the patient advocate. He responded no because everything happened so quickly.

Ms. Heffelfinger asked Ms. Adee about ombudsmen and what they do. Ms. Adee stated that there are several types of ombudsman and her office represents individuals. She continued to state that there is an organizational ombudsman with neutrality and the ability to investigate. That would probably be more the model the Subcommittee is looking for. Ms. Heffelfinger asked if Mr. Hampson's case had been a mental health issue for example, how would it have been handled by her office. Ms. Adee said that anyone can call her office, but her ability to investigate is limited. She continued to state that it could be more difficult to do an investigation from outside the VA's system.

Ms. Nilan stated that the veteran can go to the patient advocate for everything from how to get assistance to how to file a complaint. Ms. Nilan continued to state that there are other ways to address a grievance, but then it takes on a different form which alters who looks at the issue. Ms. Heffelfinger asked Ms. Nilan if more of these problems are being relayed to the congressional staff for resolution. Ms. Nilan responded that we are seeing more veterans who are becoming very savvy with the system who try to gain access through several avenues.

Ms. Heffelfinger asked how the veteran becomes savvy about the system or would an

ombudsman role assist the veteran in letting them know what their options are. Ms. Adee responded yes. In addition to her comments, Ms. Adee provided a copy of the *Montana Mental Health Ombudsman's Report* (EXHIBIT #14).

Ms. Heffelfinger asked the panel what is the role of the VSO and what is not their role. Can a VSO be both a VSO and an ombudsman? Ms. Heffelfinger also provided the Subcommittee with information regarding services at the U.S. Department of Veterans Affairs titled *Department of Veterans Affairs Directory of Services* (EXHIBIT #15) and *VA Montana Healthcare System and Regional Office* (EXHIBIT #16).

Mr. Hampson responded that Mike Secrease has taken on a role such as this, but that the advocacy/ombudsman role was not what he was hired to do or is paid for. His job of being a benefit service officer is overloaded.

Ms. Adee added that as a result of assisting or investigating, she will also make recommendations even though she has no power to carry them out.

Ms. Heffelfinger asked what kind of standing an ombudsman would have in front of the VA. Ms. Nilan responded that the VA would be very open to working with an ombudsman. She continued to state that there is an entire program devoted to improvement and a lot of their activities come out of this system. However, they would always have to work within the restrictions that the VA has. Ms. Heaton concurred with Ms. Nilan.

Ms. Heffelfinger asked the panel what is it that could most assist the outreach, communication, and coordination for veterans.

Mr. Formaz responded that more facilitation for treatment and increased local assistance and care.

Ms. Heaton responded increased communication between organizations.

Mr. Burham would like to see a formalized panel to assure continuity of services even with staff turnover.

Mr. Johnson would like to see the implementation of an ombudsman to help veterans determine what services are available to them.

Mr. Hampson concurred that he would like to see an ombudsman or director to bring all agencies together. He would also like to see television networking or greater information in the newspaper. In addition, he would like to see increased communication at the VA.

Ms. Nilan would like to see increased communication and work with an ombudsman or representative to try and improve systems.

Ms. Adee added that as an ombudsman, she has the responsibility to produce an annual report and present data that captures all the contacts, issues, and concerns that come through the office. Ms. Adee stated that she would provide a copy of the 2001 report to Ms. Heffelfinger (EXHIBIT #17).

Ms. Williams stated that keeping lines of communication open is critical.

Ms. Hamerla emphasized the need to remember that we are caring for people and that health care is a right. She continued to state that increased communication and increased coverage for dental care is greatly needed.

Mr. Denherder would like to see a website established that would let veterans know what resources are available with the added feature of being able to contact someone. Mr. Denherder then provided the Subcommittee with the background of his case and experience with the VA.

**Mr. Wales Davis, Veterans Service Officer, Great Falls**, came forward to state that a simple change would be to provide the veteran with a number to call for an emergency.

Ms. Heffelfinger asked what would need to happen to facilitate that type of service at the VA. Ms. Nilan responded that any service representative can meet with a director. She continued to state that the VA is currently trying to replace their phone system to provide greater service. In addition, they are trying to educate the local emergency rooms and have them call the VA rather than the veteran.

Mr. Davis stated that other than getting the phone message changed he would like to see veterans not having to wait for months for appointments.

Sen. Roush commented that the biggest concern he hears from the veterans is accessing medical care services. Sen. Roush continued to state that there should be more than one patient advocate at Fort Harrison.

Ms. Nilan responded that they do not represent the patient advocate, but he is there to handle concerns. As far as accessing other things, it is everyone's job to take the veteran to the next level.

#### Veterans' Homelessness Panel

- Gary Weglarz, VA Homeless Coordinator, Fort Harrison
- Jim Nolan, Intergovernmental Human Services Bureau, Montana Department of Public Health and Human Services
- Lyle Conkol, U.S. Housing and Urban Development
- Pete Formaz, Certified Chemical Dependency Counselor, Helena and a veteran

Ms. Heffelfinger asked for each panel member to briefly describe their program.

Mr. Conkol stated that HUD operates through local government, state, and non-profit organizations. In the case of the homeless program, they have block grants of money for emergency shelter. In addition, they have three other programs that veterans can access. One program is the Shelter Plus Care, which provides temporary and permanent housing and links to supportive services. Another program is Service Housing, which is designed for temporary or transitional housing. The final program is Housing Opportunities for People with AIDS, which can be used for homeless veterans as well.

Ms. Heffelfinger asked if there was any program only for veterans. Mr. Conkol responded that to date veterans have not been targeted and that decision is made locally by local non-profits.

Mr. Nolan stated that his program does not target veterans either. They have a number of services for low income homeless people. Last year, the rise in the number of homelessness was significant, but the number of veterans went down. His office also funds a grant writer that brings different organizations together to provide care to low income people. As of today, they have not had anyone come forward to submit a grant application through the Continuum of Care asking for federal dollars for veteran services. He asked the Subcommittee to encourage local veteran advocacy groups to become part of the Continuum of Care. Mr. Nolan provided the Subcommittee with a document titled *Assistance Available to Homeless Veterans* (EXHIBIT #25) as well as the *2001 Montana Homeless Survey Summary Results* (EXHIBIT #26).

Ms. Heffelfinger asked what type of group could apply for those funds. Mr. Nolan responded that it could be virtually any group from philanthropic to religious organizations.

Ms. Heffelfinger asked Mr. Nolan if he saw a continued role for the Veteran Resource Coalition (VRC). Mr. Nolan responded that it could be a model for other communities. He would like to see the Coalition become part of the Continuum of Care application process, which meets on a quarterly basis. Ms. Heffelfinger asked if the VRC would need to become incorporated. Mr. Nolan stated that he believed so.

Sen. Roush asked if a grant was made available, what would it accomplish. Mr. Nolan stated that the money can be used for both construction and operating expenses of homeless shelters. Usually, what HUD would like to see is a plan to carry on the program after HUD provides money for 3-4 years.

Ms. Heffelfinger asked if there was a grant writers workshop. Mr. Conkol responded that there is a coordinator in Bozeman. Ms. Heffelfinger asked how the grant writer was funded. Mr. Nolan said from federal money through the emergency shelter program.

Mr. Weglarz spoke about the VA's program and the implementation of a national VA program called Health Care for Homeless Veterans. There are two parts to this program. The first is a very specific residential program that houses veterans locally and provides treatment for chronic mental illness or chemical dependency problems.

Ms. Heffelfinger asked about homeless stand downs and the role of various state agencies in terms of bringing together stand down efforts and what could help facilitate these efforts. Mr. Formaz stated that of the three stand downs held here, only one was successful at targeting homeless veterans. To have a successful stand down it is necessary to have it away from Fort Harrison because veterans suffering from PTSD will be less likely to attend if it is on a military post. In addition, Mr. Formaz would like to see state funding for stand down programs across Montana.

Ms. Heffelfinger asked the panel for their final thoughts about improving communication and outreach to homeless veterans.

Mr. Conkol stated that he would like to link various veteran groups into the Continuum of Care.

Mr. Nolan would like to make the Veteran Resource Coalition permanent.

Mr. Weglarz would like to see increased communication between organizations to discuss larger trends that are going on across the state.

Mr. Formaz concurred with Mr. Weglarz but would like to include people from mental health, chemical dependency, housing, National Guard, and Native Americans. If this was facilitated by the state, then this would increase communication between organizations.

Ms. LaTray added that Montana's U.S. Department of Labor program does have \$5000 available every year for a stand down upon request. In addition, they have a rural homeless job training program. Ms. LaTray also provided a document to Ms. Heffelfinger titled CAWS Greeter Desk Guide (EXHIBIT #18).

Ms. Heffelfinger provided to the Subcommittee a homeless survey from the Billings stand down (EXHIBIT #19) and a statement from the VVA (EXHIBIT #20).

#### Veteran Service Organizations Panel

- Ed Sperry, American Legion
- Mike Hampson, State Vice-President, Vietnam Veterans of America, President, Chapter 626, Helena
- Art Ellison, Chef de Gare for the 40 and 8, American Legion
- Dan Antoniette, Member National Legislative Committee, Veterans of Foreign Wars
- Ron Minter, National Service Officer, Disabled American Veterans (DAV)
- Jean Kraemer, Junior Vice-President, Montana Disabled American Veterans
- Joe Walsh, Veteran, Bozeman

Mr. Minter introduced himself and talked about the representation his organization provides. Ms. Heffelfinger asked how he provides outreach and coordination. Mr. Minter responded that there is a Mobile Service Office program where vans with offices travel around the country. There are also information seminars that DAV coordinates with different local DAV offices. Ms. Heffelfinger asked if he was assigned to Montana part-time. Mr. Minter said yes, that he was assigned to Montana for three weeks.

Mr. Hampson provided a background of the VVA in Montana. He spoke of several outreach and coordination programs, which included assisting homeless veterans, providing VSO services, and providing statistics on homeless veterans.

Mr. Ellison spoke about his group, which plans many American Legion programs.

Mr. Sperry stated that the American Legion has over 150 posts with each post having a service officer. That officer is a funnel to the MVAD because they cannot train 150 officers in the affairs of veterans administration. Their philosophy is to seek out, listen to, and move them on to the state MVAD. In addition, they provide a legion newspaper and constant visitation across the state. Mr. Sperry expressed general concerns and stated that the Subcommittee needed to focus more greatly on the MVAD rather than the federal role. He continued to state that there

was not a major malfunction in the MVAD and that it was a great building block to work on.

Mr. Antoniette stated that the VFW has a grassroots organization called ActionCorp, a legislative branch that gets information out to members on what is happening at the federal level. Mr. Antoniette continued to state that they also provide a newspaper titled *The Montana Veteran* (EXHIBIT #21) as well as a monthly national service letter.

Mr. Kraemer spoke about the way organizations receive information. Primarily, they have a representative that supports veterans in all areas of their claims, even in Washington D.C. The DAV also has a van program for all veterans who need to be taken to services.

Mr. Walsh stated that of the 106,000 veterans in Montana, only 25% of them belong to a service organization. He continued to state that the primary reason for lack of communication between organizations is geography. Locally, organizations communicate well together on an informal basis.

Ms. Heffelfinger asked the panel what they would like the Subcommittee to do on the structure of state veteran services.

Mr. Hampson stated that he would like to see greater coordination and possibly an ombudsman.

Mr. Ellison would like to see state and federal coordination along with the service organizations. Mr. Sperry would not like to see an ombudsman because they would be overwhelmed. Specifically, he would like to see a member of the guard or reserve be considered for the Montana Board of Veterans Affairs.

Mr. Antoniette would like to see increased communication as previously seen with the United Veterans Council which was primarily funded by the VFW and was simply veterans helping veterans. Ms. Heffelfinger asked if he saw a state role in trying to promote that. Mr. Antoniette did not have the answer to that question.

Mr. Hampson would like to see a committee like that coordinated at the state level so that issues would be brought further forward.

Ms. Heffelfinger asked Mr. Sperry if the Board of Veterans' Affairs served to bring the various organizations together. Mr. Sperry responded that it did not. Ms. Heffelfinger asked if this is a role that they should assume. Mr. Sperry thought that should be considered.

Mr. Walsh concurred with Mr. Sperry regarding the ombudsman position. He would like to see the Board of Veterans Affairs reorganized through statute. He added that there needs to be some combination between the former United Veterans Council and the former Veterans Resource Coalition to create a working group to advise the Board and to back the ombudsman.

Mr. Kraemer stated that there should be a patient advocate to go over all the benefits with a veteran as soon as they are discharged from active service.

#### Local Government and Community Issues Panel

- Karolyn Loendorf, Lewis and Clark County Commissioner
- Rod Brown, Lewis & Clark County Public Assistance Officer
- Maria Nyberg, God's Love Shelter
- Mike Secrease, Veteran Service Officer, VVA

Ms. Heffelfinger provided a summary of the earlier panel discussions and asked this panel for any recommendations they could provide to the Subcommittee. In particular, Ms. Heffelfinger asked the panel how they serve people now, what is their level of awareness of what other agencies offer, how do they liaison with those people, and what would they like to see happen from this point.

Ms. Loendorf stated that she will call Pat Crowley, Mike Secrease, or Mike Hampson to begin moving veterans into the services that they need. Ms. Loendorf continued to comment that she would like to see more services available at the state level rather than the federal level.

Ms. Heffelfinger asked about a discussion of a pilot project with a VSO in a county office. Ms. Loendorf stated that that has been discussed and she believes that it is an excellent idea. She continued to state that there are gaps in the system and that a person at the county level may help fill those gaps.

Sen. Hargrove asked if more aggressive activity on the part of the state or county government is a good thing. Ms. Loendorf stated that it was not, but she would not want to continue the trend of homeless veterans increasing.

Ms. Heffelfinger asked Mr. Brown what he knows now about the VSOs and how he interacts with them at the county level. Mr. Brown commented that the reality is that he sees very few veterans because veterans do not want welfare. He continued to comment that the MVAD provides excellent service and needs more funding. In other states, they have VSOs in every county and he feels that that would be the optimum solution. In his particular office he has people from Job Service, Career Training Institute, a Public Health Nurse, and Childcare Partnerships. In addition, his office continually works with other agencies to try and get people out of poverty.

Ms. Heffelfinger asked Ms. Nyberg to speak about her interaction at the local level and the coordination with the shelters.

Ms. Nyberg responded that services have significantly improved over the last two years. However, there continues to be significant delays at Fort Harrison for appointments. She provided the case history for Jimmy Gowan as a demonstration of the service at Fort Harrison. Ms. Nyberg would like a better, more responsive system.

Ms. Heffelfinger asked Ms. Nyberg if she was the operator and founder of God's Love. Ms. Nyberg responded that her family is the founder and she is the case manager.

Ms. Heffelfinger asked the panel how the local government and local community handles veterans while their claim is being processed. In addition, she asked how gaps can be filled.

Ms. Loendorf stated if there was a greater continuum of services, they would have a greater

chance of receiving social security benefits for those that are mentally ill. Sen. Hargrove asked if they specifically focus on veterans or on a need. Ms. Nyberg stated that she focuses on a need. Sen. Hargrove asked what the percentage of veterans was. Ms. Nyberg responded 44% at the shelter and Mr. Brown stated 25% in the county public assistance office.

Mr. Secrease added that the problem he continues to run into for the homeless or potential homeless veteran, is that after a claim is submitted, a standard claim takes 4-6 months to process and then the question becomes what do you do with the veteran during that time. He would like to have someone who was aware of all the local agencies who can help the veteran in the meantime.

Ms. Heffelfinger asked if there was something like that for non-veterans now. Ms. Nyberg responded that mental health has case management for the seriously mentally ill.

Mr. Brown stated that his employees are case managers, but veterans do not want to utilize them because they do not want welfare. Mr. Brown continued to state that he would like to see a VSO in his office. Ms. Heffelfinger asked if Mr. Brown would like to see a case manager in comparison to a benefits claim person. He said he would like to have people of various fields brought into his office to serve the needs of the veteran.

Ms. Heffelfinger asked Mr. Secrease about his role as a case manager in comparison to his role of a VSO. Mr. Secrease responded that he hopes the process the Subcommittee is undertaking now will determine the case management side of the issue. Ms. Heffelfinger asked if Mr. Secrease's training involved case management. Mr. Secrease responded no.

Ms. Heffelfinger asked for final comments.

Ms. Nyberg stated that the Subcommittee needs to be aware that whenever a person needs services, that person is never the best person to advocate for themselves because they are either physically, emotionally, or mentally ill.

Mr. Brown concurred with Ms. Nyberg's statement and added that the system has an extreme number of barriers and the employees of the VA can literally not tell the veterans what they need to solve their problems. He continued to state that if a veteran does not ask about a specific item, then the VA cannot volunteer the information.

Sen. Hargrove asked if there was any person in the room who could confirm or deny the statement Mr. Brown made. Ms. Loendorf stated that she believed the statement was correct because of a meeting she had with a federal employee regarding mental health. Mr. Eric Lilletvedt, VA Fort Harrison, stated that they do council veterans and provide information. In addition, if they do not have the information, they make referrals to people within the organization who do. Sen. Hargrove asked if there was ever a time that he would refuse information to a person. Mr. Lilletvedt responded no.

#### Safety Nets & Cost Shifting Panel

In addition to the questions listed on the first page of the agenda, this panel was also asked:

What happens when a veteran falls into a service gap, encounters problems obtaining the benefits and services for which the veteran is eligible, or is shuffled between agencies? Are there safety nets? Are they sufficient? Are costs being shifted?

- Pat Crowley, Veteran Service Officer, Montana Veterans Affairs Division
- Mike Secrease, Veteran Service Officer, Vietnam Veterans of America
- Ray Reed, Department Adjutant, American Legion
- Michael O'Neil, Program Officer, Aware Inc.
- Tony Rizzo, Mental Health Therapist, Vet Center Contract Provider
- Keith Heavy Runner, Tribal Veteran Representative, Blackfeet Tribe
- Dewey Hahlbolm, Vietnam Veteran
- Eric Lilletvedt for John Peterson, VA Fort Harrison Benefits Administration
- Cindy Heaton, Registered Nurse and Manager of Network Authorization, VA Fort Harrison,
- Lynnette Nilan, Registered Nurse and Quality Manager, VA Fort Harrison
- Ruddy Reilly, Veteran Service Officer, Montana Veterans' Affairs Division

Ms. Heffelfinger asked the panel whether a Veteran Resource Coalition would help prevent cost shifting.

Mr. O'Neil responded that he was able to speak to the Addictive Mental Disorders Division under the Department of Public Health and Human Services and determined that there was not a lot of data regarding cost shifting. However, he did find out that after reviewing 75% of the admissions to the state hospital in 2001, approximately 17% of those were veterans. He continued to state that if we take that rough estimate and look at the budget, we can see some significant cost shifting because state hospital costs are 100% general fund. He would encourage communication between departments to examine this situation.

Mr. Secrease added that one of the issues that needs to be looked at is incarcerated veterans. Many of the veterans in the penal system are disabled veterans and once they are placed in the penal system they become wards of the state and their income is cut to 10%. The questionable part is that the state of Montana is required to pick-up all medical costs unless the inmate can be transferred to the VA center. There needs to be some sort of agreement that these people can have the treatment that they have earned as a veteran and will be eligible for again after their release.

Sen. Hargrove asked if it was a transportation problem or a security issue. Mr. Secrease responded that it is both. He continued to state that the physician at the prison should receive some type of reimbursement from the VA for the care of a veteran. Sen. Hargrove asked if that was at the county level as well. Mr. Secrease responded yes.

Ms. Nilan stated that there is federal legislation which does not permit the VA to provide care to incarcerated veterans. Ms. Crowley asked if the law stated that the VA cannot provide reimbursement for the care. Ms. Nilan responded that that is her understanding. Sen. Hargrove asked if it was statutory and at what level. Ms. Nilan stated that it is statutory but she is unaware of the specific law. Ms. Nilan stated that she would supply the information to Ms. Heffelfinger.

Mr. Reilly stated that for incarcerated veterans, if their disability is service-connected then they

can get treatment at Fort Harrison. If they are not service connected, then only the compensation and pension exams are done at Fort Harrison. Regarding medication, the law states that they are wards of the state and the state will pick-up that cost. One of the problems that is surfacing now is that there is some question as to the quality of medication provided by the prison.

Mr. Rizzo added that once a veteran is placed in the Cascade County Detention Center, he is very limited in continuing counseling with that veteran. There is a psychologist that comes in to determine if the veteran is eligible to stand trial.

Ms. Crowley stated that Montana does not have the same resources as larger cities and has a greater geographic area, therefore, we should allow veterans go to their local provider. She said one VA hospital is not enough. Ms. Crowley also stated that communication is key and that the monthly directors meeting at the VA is not enough. Ms. Heffelfinger asked if there was a way that the MVAD informed VSOs of changes. Ms. Crowley stated that items are sent by e-mail or the information is copied.

Ms. Nilan added that there is not simply one hospital in Montana but ten clinics as well.

Ms. Heffelfinger asked when a local community recognizes a local need, what is the mechanism by which a community can interact with the VA. Ms. Nilan stated that the VA is constantly assessing the need and when the need is significant enough, they try to place services in that location.

Sen. Hargrove stated that it would be more flexible to go to a local physician. Ms. Nilan stated that if every veteran was allowed to go to their local provider, then the budget for those services would be almost double. Sen. Hargrove asked why it would be so much more expensive. Ms. Nilan stated that the VA can provide services for a much lower cost and would be happy to provide that information to the Subcommittee.

Ms. Heffelfinger asked how this interagency communication can continue to be facilitated outside the legislative process.

Mr. Reed stated that communication is key, but the barriers we are seeing are in relation to funding streams and territorialization because of the funding streams. He continued to state that he supported the idea of local services for veterans.

Mr. Rizzo responded that the state may want to utilize the state vocational rehabilitation program until a veteran receives their disability. He continued to state that he has had few communication problems with network authorization, but he has had significant problems with the Claims Department. Ms. Heffelfinger asked if there was a liaison link missing with the Adjudication Department. Mr. Rizzo stated that there is no communication with the Adjudication Department other than written correspondence and only to request additional information be provided.

Mr. Lilletvedt commented that some of the causes for delays are out of the control of the VA particularly for claims regarding PTSD because of the processes and requirements involved to determine that information.

Mr. Halhbaum commented about the requirement for services to be provided at a central location rather than provided locally. He continued to state that the services provided by TriCare could also be provided by the VA as well. Mr. Halhbaum would also like to see some case management.

Ms. Heffelfinger asked Ms. Crowley about communication between the MVAD and the VA. Ms. Crowley stated that communication is very difficult unless you communicate face to face. Occasionally, communication works via e-mail. She continued to state that the VA directors should involve the community and veterans more and address some of the issues directly with the veterans.

Ms. Heffelfinger asked for final comments from the panel.

Mr. Heavy Runner spoke to the Subcommittee about the widows pension as many people do not know that that is available.

Ms. Heffelfinger concurred with Mr. Heavy Runner and spoke about the possible creation of a spouses directory so that they may know the benefits that are available to them.

Mr. O'Neil commented about the PATH Program which assists the transition from homelessness. In addition, in the formation of the disability housing coalition, he would welcome a member from the MVAD.

#### Structure and Funding of State Veteran Services Panel

In addition to the questions listed on the first page of the agenda, this panel was also asked: Based on the previous discussions, are changes needed in the structure and funding of state and local services? If so, what changes?

- John Buck, Chairman, Board of Veterans' Affairs
- Jim Jacobsen, Administrator, MVAD
- Major General Prendergast, Adjutant General, Department of Military Affairs
- Robin Homan, Senior and Long-term Care Ombudsman
- Bruce Meyer, Coordinator of Indian Affairs, Governors Office
- Karolyn Loendorf, Lewis & Clark County Commissioner
- Rod Brown, Director, Lewis & Clark County Public Assistance Office
- Lee Logan, Division Manager, Fort Harrison Veterans' Administration
- Polly LaTray, U.S. Department of Labor

Ms. Heffelfinger asked the panel to discuss if changes are needed in the structure and funding of state and local services for veterans and if so what are those feasible changes.

Mr. Buck commented that there seems to be mass confusion because there are a lot of services available to the veteran but the word needs to be spread. The veteran sometimes fails to go through the system or does not know the access points into the system.

Ms. Heffelfinger asked Ms. LaTray how communication and coordination could be enhanced through all of the different organizations. Ms. LaTray stated that a committee should be developed of all the players with a facilitator that has a direct line to the governor. She continued

to state that the committee would allow for increased communication and cross-training between agencies.

Ms. Heffelfinger asked if the committee would create a coordinated service guide. Ms. LaTray responded yes. In addition, she would like to see a coordinated website as well.

Ms. Heffelfinger asked Gen. Prendergast about the Veterans Resource Coalition. Gen. Prendergast commented that there is a very close partnership between the MVAD and the Department of Military Affairs. There is also a very good communication effort between Gen. Prendergast, Mr. Jacobsen, and the Governor. He continued to comment that the only change that needs to be made is increased funding. Gen. Prendergast provided the Subcommittee with a copy of *Resources for the Homeless Veteran* (EXHIBIT #22).

Ms. Heffelfinger asked about the funding for the Veterans Resource Coalition. Gen. Prendergast responded that that funding came from the Department of Military Affairs. Ms. Heffelfinger asked if that was from the general fund. Gen. Prendergast responded that the money was from the federal fund. Gen. Prendergast continued to comment that increased resources will help alleviate the communication and education issues. In addition he continued to comment about the focus placed on the VA and that increased funding can help alleviate the staff shortages that they face. Gen. Prendergast added that he has been having meetings with Native American veterans to discuss their issues of isolation and would like to see a Tribal Veteran Representative (TVR) on each reservation to alleviate that situation. Ms. Heffelfinger asked how this issue related to the budget. Gen. Prendergast responded that the money was coming out of the federal budget.

Ms. Heffelfinger asked Mr. Jacobsen about the relationship between Gen. Prendergast and the Board of Veterans Affairs. Mr. Jacobsen responded that the relationship is super and that communication is the key. When issues do arise, Gen. Prendergast has the stature to make a lot of agencies come together. In reference to Native American issues, the MVAD visits the reservations every month and it is important to have the TVR there as a go between. There is also an issue of resources where the MVAD previously had 50 employees and now there are only 20. In terms of offices, there had been 27 offices and now there are 8. He continued to state that the Veterans Resource Coalition was very productive and if a new Coalition was created then they should report to the Board.

Ms. Heffelfinger asked Mr. Buck if the Board holds hearings as has been done today regarding various issues. Mr. Buck stated that the service officers are addressing this in the field, but the Board does not address this at the meetings. Ms. Heffelfinger asked what is the primary business at the meeting. Mr. Buck responded veterans' needs and work on the cemetery. Mr. Jacobsen commented that the process is open to the public at any time and some veterans and service organizations have come in and spoken.

Sen. Hargrove suggested that most matters are being served very well in Montana, but those who are not being served well are in the minority and are being scared away by the institutionalization of the process. He asked the panel what we need more of. Mr. Buck responded that the veteran needs to be informed of what services are available.

Ms. Heffelfinger asked the panel where do we go from here based on what we have learned

today and the resources we have available.

Mr. Brown said he would like to see more training and more resources related to veterans issues.

Ms. Loendorf stated that there needs to be greater education of the federal government because the changes necessary cannot happen at the state level.

Mr. Meyer spoke about cultural miscommunication and the idea of a local town hall. The town hall concept is to bring all interested parties together and take action on the basis of group consensus rather than majority rule.

Ms. LaTray would like to see the creation of a staffed committee at the state level followed by increased use of technology. In addition there should be increased public service announcements and publications.

Gen. Prendergast would like to see the re-establishment of the Veteran Resource Coalition and wanted to know the current status of the Coalition. Ms. Heffelfinger stated that there was confusion among veterans about the VRC, its mission and goals, membership, meeting times, and the formalities of how it operated. SJR5 brings up the question as to what will happen with that Coalition as a study question.

Mr. Buck stated that he believes the structure necessary is in place but that the structure may need some improvements.

Mr. Jacobsen stated that they may need to modify the existing structure, but no major overhaul is needed. In addition, an Advisory Council may be created which should report to the Board and not to the Governor.

Ms. Homan added that a network of local ombudsmen could become a local resource because the ombudsmen becomes known to their community. She continued to state that an advisory committee with all the players under the town hall theory would work well.

Ms. Logan stated that resources should be maximized by utilizing all available services. In addition, the VA will continue to participate in the outreach and education process in whatever way they can.

Sen. Roush asked Ms. Logan about access to health services and if there was any process that she could make available to help veterans access benefits more easily. Ms. Logan stated that she could talk about healthcare but not necessarily about the benefits process. Ms. Logan continued to state that in reference to health care they have implemented a new phone system with a centralized scheduling program. In addition, the VA tries to work with the MVAD as much as possible.

Ms. Loendorf offered that Met Net could be instrumental in communicating about available services.

#### **"CARING FOR OUR WOUNDED" UPDATE**

**Art Heffelfinger, Vietnam Veterans of America Chapter 626**, presented an update on activities related to health care issues outlined in the "Caring for our Wounded" core document (EXHIBIT #23). Specifically, Mr. Heffelfinger listed significant accomplishments since the passage of SJR5. In addition, Mr. Heffelfinger told the Subcommittee that the Washington D.C. office of the Veteran's Administrations Chief Medical Inspector, will conduct an on-site investigation into the health concerns raised in the core document. Mr. Heffelfinger then reviewed for the Subcommittee three requests for legislative initiatives:

1. The Subcommittee should actively participate in the Ft. Harrison site review by meeting with members of the inspection team.
2. Consider the reorganization of the Montana Veterans Affairs Division and examine its funding.
3. Fund six new Veteran Service Officer positions, utilizing both state funds and federal grants where available.

Sen. Hargrove commented to the Subcommittee that Mr. Heffelfinger's paper targets those people that are disenfranchised and that is what corrections to the system should take into consideration.

Sen. Roush stated that someone from the Subcommittee could probably participate in the site review process.

Sen. Hargrove asked if the reorganization to make a new department would require constitutional changes. Ms. Heffelfinger responded no, because there are now 16 departments and the constitution limits the number to 20. Sen. Hargrove asked if the departments were defined by name. Ms. Heffelfinger responded that they were not and that name changes would involve statutory changes.

### **PUBLIC COMMENT**

**Emil Eschenburg, Department Commander, Military Order of the Purple Heart (MOPH) and Herb Ballou, Member, Military Order of the Purple Heart** presented a document to the Subcommittee of items that the MOPH would like the Subcommittee to consider (EXHIBIT #24). Included in this document were:

1. Prepare a handbook for federal and state benefits for spouses
2. Free residential property taxes for all veterans rated 50-100% disabled service connected.
3. Submit a "Flag Desecration Bill"
4. All military holidays be correlated with the federal holidays
5. Designate MOPH memorial on highway running east to west across Montana

Mr. Walsh wanted to reiterate and concur with what Mr. Meyer stated in reference to the town hall concept. In addition, Mr. Walsh spoke about his generic community model for coordination and cooperation and said he hopes that the Subcommittee will incorporate the model into the current process.

### **EXECUTIVE SESSION**

Sen. Roush stated that the next meeting is scheduled for Friday, January 25th. Sen. Roush continued to suggest another day and a half meeting to discuss what has been heard today in reference to funding. In addition, he would like to hear what other states do to fund veteran programs. He continued that if improvements are going to be made, it will take money. Sen. Roush also stated that there are some statutory changes that can be made that would not require any funding and he would like to get a response from the MVAD on those issues. One of those changes would be to have non-theater of war veterans appointed to the Montana Board of Veterans Affairs. Another change would be the re-establishment of the Veterans Resource Coalition and that may require money down the road.

Sen. Hargrove would like the Subcommittee to define who we are servicing and increase communication through another organization or coordination committee. He continued to comment that reorganization may not address the problems presented today. A specific idea that Sen. Hargrove presented was that of more than one stand down a year, which was not institutionalized. At the stand down, he would like to have a representative from every organization that was present today.

Rep. Lenhart stated that he would like to take an extra half day to discuss items pertinent to the state and federal VA. He continued to state that better cooperation between the state and federal agency is warranted. In addition, Rep. Lenhart thought it would be a good idea for the Subcommittee to send their ideas to the Chairman or to Ms. Heffelfinger about topics for further discussion.

Ms. Heffelfinger stated that at the end of March, she would like to send a package of proposals to present to the whole committee. She continued to state that the purpose of this meeting was to make the Subcommittee look toward its final product. As the Subcommittee decides on options, it is her job to develop those into bills. She asked the Subcommittee to outline what they would like to see at the next meeting in terms of policy interest, policy ideas, and policy goals.

Sen. Hargrove asked for an analysis of what the VSOs do, what they need to do, and what is not getting done.

Sen. Roush commented to Sen. Hargrove that a request has been made of the Audit Committee for a performance audit of the MVAD and his question may be addressed by their audit.

Ms. Heffelfinger reviewed what other states are doing in reference to veterans' affairs (EXHIBIT #25, SAIC Main File, SJR 5 Resource Notebook, Tab - MVAD - Other States, Separate File, Legislative Services Division).

Sen. Hargrove stated that he is not interested in creating a larger bureaucracy. If anything, he would like to put into statute some core direction that the Board should address at each meeting.

Sen. Roush stated additional funding may not come about without Congressional and Governor support. With that in mind, he is in favor of drafting a letter to the Congressional Members and the Governor with some of the questions in Exhibit #9, Appendix A, *Issues and Options Paper #1*. He continued to state that without their support for additional funding, there are limitations to what the Subcommittee can do. He would like to continue to explore how other states get their

money.

Sen. Hargrove stated that he would like time to review the options more thoroughly and rate them for consideration.

Ms. Heffelfinger stated that if that information could be sent to her mid-December then she would have time to prepare. She also cautioned the Subcommittee against bringing in Congressional Members and the Governor as they would prefer to see the package prior to offering a commitment of funds. Ms. Heffelfinger stated that for the next meeting, she would provide additional information on VSOs and the status of the audit.

Sen. Hargrove asked Ms. Heffelfinger to offer guidance for the Board as well.

Sen. Roush asked for participation in the Fort Harrison meeting. Sen. Hargrove stated that he will attend the site visit.

### **ADJOURNMENT**

The meeting adjourned at 5:38 p.m. The next meeting is scheduled for January 25, 2002.

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